CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

AUGUST 18, 2009

INVOCATION:
Reverend Gary Hanson of Grace Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Community Development Director Appel, Fire Chief Ortiz, Director of Utilities Sweet, Utilities Engineer Kahn, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Snodgrass, Director of Recreation and Parks Posada, Police Commander Green, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Artie Hernandez, the Recreation and Parks Volunteer of the Month for August, for his dedication and commitment to the Recreation and Parks Department's Summer Youth Basketball League as an assistant and head coach for the past three summers.

PUBLIC COMMENT
Anna and Sarah Schwab, The Tree Amigos of Orcutt, spoke regarding the Oak tree replanting ratio in the Los Flores Landfill Draft EIR. The Draft EIR specified the City planned to destroy 3,200 native Oak trees and replant them at a ratio of 2 to 1. The County of Santa Barbara's Deciduous Oak Tree Protection and Regeneration Ordinance required that protected Oak trees be replanted at a ratio of 10 to 1. They were informed that the City of Santa Maria would be claiming interagency immunity. They asked the City to make a difference in protecting the environment by following the County's guidelines for protected oak tree regeneration.

Jeanette Duncan, Chairperson of the Board of the 10 Year Plan to End Homelessness, spoke in favor of the "Bringing Our Communities Home" appointment of Councilmember Mike Cordero to replace Councilmember Orach. She thanked Councilmember Orach for his service over the past two years.

Mark Rademaker quoted from the Bible and spoke in opposition to Planned Parenthood.

Lucas Zucker stated he was a summer research intern for the Central Coast Alliance United for A Sustainable Economy (CAUSE). In October, the Federal Government will release the first report on the American Recovery and Reinvestment Act. He congratulated the City for having the best public information available in either Santa Barbara or Ventura County on stimulus funding. He suggested the City could strengthen its transparency by including job creation numbers, contracts awarded, time lines, and pictures of progress. Santa Maria has been deeply hurt by the recession with a high unemployment rate. He recommended the City look at job/labor agreements to create jobs in Santa Maria especially for the levee project.

Ernest Armenta stated at the August 4th City Council meeting, the Mayor made a comment about the 9,500 acres of strawberries that were outside the City limits. The Mayor said the City did not have the strawberry farms but had the people, which was hurting the City, the school districts, Marian Hospital, and single family neighborhoods. He said he contacted Marian Hospital and the local school districts. They did not agree with the Mayor. He said these comments were offensive to him. It was the Ag industry that kept the City going. He also spoke about the funding process for the Recreation and Parks Department whereby Director Posada could provide funding without any bidding process, such as for the drag racing team.

Art Foster updated the Council on the high school drag team. All three high schools were on board now with one racing team and a lot more students, including some young ladies. It would be the first school district in California to have one racing team. They were attempting to break up some of the animosity between the three high schools. He hoped they would bring back some winners this year. He said he had received no money from the City, the only money he received was through the Police Activities League and from donations throughout the Valley. All the graduates of the program this year went on to Allan Hancock College in the same automotive field. He would be overseeing all three schools, along with teachers at each school.

Mary Jacka spoke about the Windset Farms project. She was happy they would be providing more jobs, but more jobs and more people meant more housing would be needed. She understood that it would be addressed in the new Housing Element. She also said she was pleased to see that the new Fire Station was progressing.

Richard Dydell spoke in favor of the eventual establishment of the Federal H2A Ag Worker Program in this area. The H2A program, if it was feasible, would be one way to go. The other way to go would be to use an e-verify program. Many counties and states were now using the e-verify program. Their goal, once they got enough petitions, was to get the City Council to adopt a resolution asking the Board of Supervisors to enact one of the two programs.

ANNOUNCEMENTS:
Mayor Lavagnino recognized Councilmember Marisela Morales from the City of Port Hueneme who was present in the audience.

CONSENT CALENDAR
Consent Calendar Items A through L were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of August 4, 2009, were approved as submitted.

C. APPOINTMENT
On recommendation of the Mayor, the City Council approved the appointment of Councilmember Mike Cordero to the "Bringing Our Community Home" governing board, replacing Councilmember Bob Orach, who was stepping down.

D. WARRANTS
Warrant Nos. 152628 to 152913 totaling $2,452,204.87 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved

for payment by the Director of Administrative Services. Warrant Nos. 151619, 152554, 152692, and 152785 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. TECHNICAL AMENDMENTS
Ordinance No. 2009-18 making minor technical amendments to the Santa Maria Municipal Code relating to false alarms and the Library Code of Conduct was introduced by title only for first reading and continued to the next meeting for second reading and adoption.

Ordinance No. 2009-18 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO FALSE ALARMS AND THE LIBRARY CODE OF CONDUCT.

G. WINDSET FARMS
The City Council conducted the second reading of Ordinance No. 2009-17 approving a Development Agreement for the Windset Farms project to allow the phased deferral of public infrastructure improvements and adopted the ordinance.

Ordinance No. 2009-17 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR WINDSET FARMS, SP-2009-015, E-2009-017, LOCATED ON THE EAST SIDE OF BLACK ROAD BETWEEN THE FUTURE SONYA LANE AND CARMEN LANE EXTENSIONS.

H. GRAND JURY REPORT
The City Council approved the City's response to the Santa Barbara County Grand Jury Report entitled *SBCAG – A Road Not Taken, "If You Don't Know Where You're Going, You Might Wind Up Someplace Else"* and authorized the Mayor and City Manager to sign the Council's response and the City Clerk to transmit it to the Presiding Judge of the Superior Court and the Grand Jury.

I. AWARD OF BID
Resolution No. 2009-122 was adopted awarding the bid for Fire Station No. 1 Emergency Operations Center, Bid No. 2009/15, and approving a contract with Effect Contractors in the amount of $174,019.85.

Resolution No. 2009-122 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH EFFECT CONTRACTORS FOR FIRE STATION NO. 1 EMERGENCY OPERATIONS CENTER, BID NO. 2009/15.

J. SUBDIVISION MAP AND AGREEMENT
Resolution No. 2009-123 was adopted approving the final subdivision map and agreement for Depot and McCoy Commercial, Tract 5957, generally located northwest of the intersection of McCoy Lane and Depot Street.

Resolution No. 2009-123 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR DEPOT AND MCCOY COMMERCIAL, TRACT 5957.

K. LIMITED TIME PARKING
Resolution No. 2009-124 was adopted establishing a 30-minute limited time parking zone from 8:00 a.m. to 8:00 p.m. seven days a week on the west side of North Broadway between Chapel and Mill Streets.

Resolution No. 2009-124 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A 30 MINUTE LIMITED-TIME PARKING ZONE ON NORTH BROADWAY PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

L. THREE-WAY STOP

Resolution No. 2009-125 was adopted establishing a three-way stop at the intersection of Newlove Drive and Thornburg Street.

Resolution No. 2009-125 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A THREE-WAY STOP AT NEWLOVE DRIVE AND THORNBURG STREET PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

PRESENTATION OF THE SANTA MARIA VALLEY CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT COMMISSION YEAR-END REPORT FOR THE PERIOD JANUARY 1, 2009, THROUGH JUNE 30, 2009.

Robert Hatch, Chairperson of the Economic Development Commission (EDC), presented the report. During the second half of the year, the focus remained, and great emphasis was placed, on retention of existing businesses. Since the last report, economic conditions have continued to worsen with all sectors of the economy suffering serious setbacks. In some sectors economic development has reached a virtual standstill. In conjunction with the Visitor and Convention Bureau, marketing advertisements appeared in *Expansion Management Magazine, Pacific Coast Business Times, Santa Maria Times,* and *California Local Economic Development Directory.* The Commission remains engaged with the Santa Maria Public Airport District and has pledged its support for the continuing development of the business park located on airport property. The Commission continued to be keenly aware that retaining companies and businesses is as important as recruiting new ones especially in the current economy. The Commission has continued its involvement in numerous economic development activities and to participate in those programs which enhance the mission. Two new hotels at the north end of Broadway, the Marriott Fairfield and Candlewood Hotel, recently opened for business bringing an additional 160 rooms to Santa Maria and approximately 40 jobs. The Commission continues to work on its current set of Goals and Objectives and is grateful for the public/private partnership with the City.

Mayor Lavagnino commended Mr. Hatch for his work in bringing Windset Farms to the City Santa Maria. He said it was quite an accomplishment for the City. He suggested that Mr. Hatch provide the Council with a written report every six months and an oral presentation only once a year at the end of the year.

Council agreed to an end-of-the-year oral presentation by the Chamber of Commerce at a Council meeting with a written report every six months.

Councilmember Zacarías asked what the total amount of the contract for economic development was. She said she thought it was important for people to know because it was an investment in all of the Chamber's work.

Mr. Hatch replied it was $142,500.

Councilmember Zacarías stated the business retention team was now without SCORE or the incubator program. She asked how it was working with the Board of Directors offering support to the member businesses.

Mr. Hatch stated it was relatively new. It was tough to get SCORE counselors. They had a vast array of members on the Board of Directors, and they were willing to step in and help businesses that needed assistance.

Councilmember Zacarías asked if they had partnered with the Small Business Development Center from Ventura College that served this area. She said they would fund a minimum of five hours to anyone who contacted them.

Mr. Hatch stated they had worked with them; however, they did not have an active local office or local representative. The EDC referred people to them all the time; however, they needed to be following up on the referrals to that organization.

Councilmember Zacarías stated Mr. Hatch had mentioned in his verbal report that they had not completed the Santa Maria Business Community Fact Book, but the written report indicated it was complete.

Mr. Hatch stated they had the written version completed; but they wanted to update it again and post it on-line electronically. It would be easier to manage on the web site.

Councilmember Zacarías stated the Chamber had committed to completing a community survey which had not been done yet. She said the report indicated the Chamber hoped to partner with Allan Hancock College to do that. She asked if some of the information was not already available through other sources.

Mr. Hatch explained it was not available in its entirety. They had already tried it a number of times, but were unable to get the information from employers. They know that people leave this community to work elsewhere, and not many people come from other communities to work here.

Councilmember Zacarías asked if they had made any effort to encourage more Hispanic businesses to join the Chamber of Commerce.

Mr. Hatch responded that they had tried without much success. They had thought the Hispanic Business Committee would be able to bridge that.

Councilmember Patino asked what happened to the incubator program.

Mr. Hatch stated it was lack of funding. After the economy improved, it might be resurrected.

The City Council thanked Mr. Hatch and received and filed the report.

PRESENTATION OF THE SANTA MARIA VALLEY CHAMBER OF COMMERCE AND VISITOR AND CONVENTION BUREAU MID-YEAR REPORT FOR THE PERIOD OF JANUARY 1, 2009, THROUGH JUNE 30, 2009.

Gina Keough, Visitor and Convention Bureau (VCB) Manager, gave the Mid-Year Report. During the 2008-09 fiscal year, transient occupancy tax totaled $2,201,545.84. During the 2008-09 fiscal year, staff from the VCB attended numerous conferences and tradeshows including the Fabulous Food Festival, Rural Tourism Conference, CalSAE Seasonal Spectacular, Bay Area Travel Show, Sunset Celebrations Weekend, Conference on Tourism, the California Cultural and Heritage Tourism Council Symposium, and the Western Association of Conference and Visitors Bureaus Tourism Tech Summit. In addition, the Bureau participated at the AMGEN Tour of California, and hosted a restaurant week style event titled "Dine-Out: Santa Maria Style" to coincide with the Santa Maria Valley Strawberry Festival. The Bureau also developed a Santa Maria Style BBQ Blog and a new meeting/event planner guide, expanded its Visitor Outreach Center program, and partnered with Allan Hancock College on a field trip series. The Bureau also awarded 13 Special Projects Grants for local events that brought in overnight visitors.

Councilmember Zacarías asked if the grant that was awarded to the Museum of Flight was for this year's show. She complimented the Chamber on their new Meeting/Event Planner and asked for additional copies.

Ms. Keough replied that the grant was for this year's show.

Council thanked Ms. Keough and the staff of the Chamber of Commerce for their hard work and the detailed report and received and filed the report.

City Manager Ness asked if it was the Council's intent to also have the Chamber of Commerce only give an oral presentation once a year.

Mayor Lavagnino replied that it was.

AMENDMENT TO TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE PERTAINING TO SECTION 12-35.302(a)(12) CONCERNING OFF-SITE AUTO SALES, Z-2008-007, E-2009-008.

Director of Community Development Appel gave the staff report. The City Council is asked to consider a recommendation from the Planning Commission regarding an ordinance amending Chapter 35 of Title 12 of the Santa Maria Municipal Code relating to temporary use permits for additional off-site auto sales locations. The City's current regulations relating to temporary off-site auto sales was amended in 2005 to identify two specific locations where temporary off-site auto sales could occur. Recently, the property owner of the JC Penny's site rescinded permission for these sales at that location. This left only one location for temporary off-site auto sales at the K-Mart parking lot on Santa Maria Way. The proposed ordinance would add seven additional locations where off-site auto sales could occur and would establish criteria whereby the Community Development Department could approve additional sites in the future. Staff worked with the local automotive industry, the City Attorney's Office, and the Planning Commission to select appropriate sites within the City for temporary off-site auto sales. All sites would require the owner's authorization before the site could be used for temporary sales. Approval of the text amendment could provide an economic boost to the local auto industry. A pilot program allowing the use of non-codified sites for temporary off-site auto sales was launched at the beginning of this year to test several of the proposed sites. Among the sites used were Town Center West and 1318 South Broadway. Five separate events were conducted between January and March.

On July 15, 2009, the Planning Commission adopted Resolution No. 2549 on a 5-0 vote recommending the City Council adopt an ordinance amending Chapter 35 of Title 12 of the Municipal Code.

Councilmember Zacarías asked about the pilot program and why there was such an increase in frequency. She said she understood adding more sites but not the increase in frequency. The ordinance proposed going from once a calendar quarter for one site to twice per month for each site. She asked what the basis for that increase was. She expressed concern about out-of-town dealers coming to Santa Maria.

Director Appel explained that the increase in frequency was to provide a full range of opportunities for the auto dealers. If the dealers felt a certain time during the month was better than others, then they could do that. Providing more locations would provide more dealerships in town with the opportunity for off-site sales. He did not anticipate the dealerships using it twice a month, but that was what they requested.

Councilmember Zacarías stated she could not understand why staff was recommending such a significant increase in the frequency. It would be 164 times a year that off-site auto sales could take place from the current 8 times a year.

City Manager Ness stated he was involved in the workshops with the auto dealers. Staff was responding to the auto dealers' request. They were not sure which of these sites would work out. The dealers asked to have as many off-site sales as they possibly could for flexibility purposes. The City would like to do as much as it can to support the auto dealerships with the economy so poor.

Councilmember Zacarías asked if the out-of-town auto dealers were involved in the meetings. She was concerned about competition for local dealerships.

City Manager Ness stated there were no out-of-town dealers involved in the meetings, and both staff and the local dealers had concerns about out-of-town dealers coming to Santa Maria. Unfortunately, they could not be prohibited from coming to town. Staff was recommending any out-of-town dealers post a bond of $1,000 to cover sales tax.

Councilmember Patino asked if the City could charge them more than $1,000 to dissuade them from coming to Santa Maria.

City Attorney Trujillo stated the issue was one of inter- and intra-state commerce. The City could not initiate an outright ban. He would not recommend increasing the bond so it would become, in effect, a ban.

Mayor Lavagnino opened the public hearing.

Mike Bouquet, Toyota and Honda of Santa Maria, thanked the City Manager and the Community Development Department for getting them involved and creating a win-win solution. He appreciated the help. The local dealerships supported the amendment. He liked the identified sites and the ability to add future sites. They were concerned about out-of-town car dealers. The dealers came into town and did not have the best interests of the community in mind. They took advantage of the local residents. He suggested the City really enforce the requirements of the proposed ordinance for out-of-town auto dealers.

Mayor Lavagnino asked if the fee for the temporary Use Permit could be raised for out-of-town dealers.

City Attorney Trujillo indicated that the fees the City charged could not exceed the actual cost of providing the service.

Councilmember Cordero asked if the dealers that came into the City to sell cars had the same requirements in other cities.

Mike Bouquet stated off-site auto sales were popular in other cities, for example at the Pismo Beach Outlet Center. There were dealers from Southern California who moved from area to area until they found one that was successful.

Councilmember Cordero asked if the ordinance restricted off-site sales to one dealer at each site or if multiple dealers could be at the same site. He said he did not see how it could be profitable for out-of-town dealers to drive their cars to Santa Maria for an off-site weekend sale.

Mr. Appel explained that it was a temporary outdoor sales permit, and it would allow one dealer at multiple sites or multiple dealers at one site.

Mr. Bouquet stated he respected the concerns about the increased frequency, but he did not recommend limiting the frequency of the sales as they needed to work around schedules in order to be able to coordinate the sales effectively. He said they would make sure the City was aware of any out-of-town dealers that set up. He asked if the City had the ability to shut them down if the out-of-town dealers didn't have the proper permits.

City Attorney Trujillo replied that they could.

Ernest Armenta stated he was not opposed to the ordinance but asked if there had been any traffic study. He expressed concern about people slowing down and not paying attention on Broadway because they were looking at the car sales. He said he was not opposed to out-of-town dealers coming to town because competition was good. He said he bought his wife a Ford Mustang and couldn't get a good deal at Santa Maria Ford; so he went to Mullahey Ford in Arroyo Grande, and got an excellent deal. He asked about the G & S Carpet and Rancho Grande Bowl sites which were in residential neighborhoods. He said with people trying to sell their homes now, they might not want car sales happening in their neighborhoods.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Patino stated these local car dealerships give so much to the community, especially the non-profits. If there was anyway to further restrict out-of-town dealerships, she would be in favor of it.

Ordinance No. 2009-19 amending Section 12-35.302(a)(12) of the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Cordero, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: Councilmember Zacarias
ABSENT: None
ABSTAIN: None

Ordinance No. 2009-19 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 12-35 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO OFF-SITE AUTO SALES.

Councilmember Zacarías asked for a report back in six months to see how it was working.

STORM WATER RUNOFF POLLUTION PREVENTION ORDINANCE.
Utilities Engineer Kahn gave the staff report. The City Council is asked to consider an ordinance adding Chapter 8-12A to the Santa Maria Municipal Code to prohibit non-storm water discharges into the City's storm drain system in compliance with the requirements of the State General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems and the City's Storm Water Management Plan. The proposed ordinance is to protect the City's storm water collection system and receiving waters from pollutants and to comply with and require compliance with Federal and State laws concerning storm water. The Central Coast Regional Water Quality Control Board is responsible for the coordination and control of local water quality in the City of Santa Maria, including compliance oversight associated with the General Permit. The City of Santa Maria met General Permit requirements by developing and implementing a Storm Water Management Plan that is designed to reduce the discharge of pollutants to the maximum extent practicable and to protect water quality. Best Management Practices have been adopted that facilitate six Minimum Control Measures: 1) Public Education and Outreach; 2) Public Involvement and Participation; 3) Illicit Discharge Detection and Elimination; 4) Construction Site Storm Water Runoff Control; 5) Post-Construction Storm Water management; and 6) Pollution Prevention/Good Housekeeping for Municipal Operations. To attain the Illicit Discharge Detection and Elimination goals of the Storm Water Management Plan, a Storm Water Runoff Pollution Prevention Ordinance is required to be approved and implemented. The ordinance will be used as a tool for the City to meet storm water management regulations, reduce pollutants in urban runoff, safeguard persons, protect property, and prevent damage to the environment. On July 30, 2009, a workshop was held to introduce the ordinance to the public. The workshop was attended by 25 local engineers, planners, and environmental advocates. The ordinance was well received and did not prompt any concerns or negative comments.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Ordinance No. 2009-20 establishing storm water runoff pollution prevention regulations was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2009-20 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 8-12A STORM WATER RUNOFF POLLUTION PREVENTION TO THE CITY OF SANTA MARIA MUNICIPAL CODE.

FINANCIAL REPORT FOR FOURTH QUARTER ENDING JUNE 30, 2009, AND A BUDGET AMENDMENT REPORT.

Director of Administrative Services Snodgrass gave the staff report. With 100 percent of the year complete, revenues are at 94.9 percent of projections while expenditures are at 93.3 percent of appropriations. Total revenue and transfers are $52.9 million which is $3.3 million less than last year. The ongoing recession threatens to reduce the City's General Fund revenues by $2.9 million in 2009-10. To counter the shortfall, departments reduced operating budgets by five percent, concessions are being negotiated with employee bargaining groups, and the City Council approved the use of Local Economic Augmentation Funds (LEAF) to balance the budget. City departments used $49 million of the $52.6 million of appropriations, 6.8 percent less than authorized. The total General Fund expenditures including debt service and transfers out were $53 million of the $56.8 million budget. The savings of $3.8 million is a direct result of departments "tightening belts" to reduce expenditures to 95 percent of appropriation authority, as directed by the City Manager. In the Water/Wastewater Fund, expenditures exceeded revenues by $11.3 million, primarily because the fund expended $11.2 million this year for the wastewater treatment plant expansion project. This was anticipated as reserves were previously authorized to finance this project. In the Solid Waste Fund, refuse expenses exceeded revenues by $4.2 million as a result of capital outlay/projects. A budget amendment report is included for Council's consideration.

Councilmember Orach stated he had attended the recent League of California Cities meeting, and the consensus was the other shoe from the State was going to drop. Cities hoped there would not be anymore State takeaways, but it looked like there would be.

Resolution No. 2009-126 approving budget amendments was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-126 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CAPITAL BUDGET AMENDMENT AND PERSONNEL CHANGE.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the September 1, 2009, City Council meeting including several proclamations and several Consent Agenda items including second reading of the ordinances from tonight. At this time there were no action items.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach reported he attended the Annual Chamber of Commerce Awards Dinner on August 12th and congratulated Recreation and Parks Director Alex Posada for receiving the Robert F. Grogan Award, the Santa Maria Public Airport District meeting on August 13th, the League of California Cities Channel Counties Division meeting in Avila Beach on August 14th, and the Chamber of Commerce Business Development meeting on August 18th. He invited the public to attend an All-America City Committee community meeting at Shepard Hall on August 19th. He also asked the public to be careful driving now that school was back in session.

Councilmember Zacarías reported that she met with PEG Station Manager Alan Sutterfield and toured the Media Center, attended the Community Action Commission

monthly board meeting, represented the Council at the Future Leaders of America Community Panel at Camp Whittier, attended A Day with Creative Women in San Luis Obispo, and last Wednesday left for New York City to get her son settled at law school.

Mayor Lavagnino reported on August 5th he attended the North County Subregional meeting at the Central Coast Water Authority; on August 6th he attended Lompoc Mayor Dick Dewees's funeral; on August 7th he hosted the KUHL radio show which was a tribute to Dick Dewees; on August 10th he attended the SBCAG executive committee meeting in Buellton; the Chamber of Commerce Annual Awards Dinner on August 12th; hosted the KSMA radio show, attended the Mayor and Managers Meeting in Buellton and BBQ for the retiring City Manager from Buellton, and the League of California Cities Division meeting on August 14th; and hosted the KUHL radio show on August 18th.

Councilmember Patino also attended Mayor Dick DeWees's funeral on August 6th, met with Jeff Hearn and the new Superintendent of the Santa Maria Joint Union High School District, Doug Kimberly, on August 10th, attended the Chamber of Commerce Dinner on August 12th, and toured the base camp for the La Brea Fire on August 18th. She congratulated Recreation and Parks Director Alex Posada for receiving the Robert F. Grogan Award.

Councilmember Cordero reported he attended a meeting of the Santa Maria Women's Network on August 5th, Mayor Dick DeWees's funeral on August 6th, spoke at the Mussell Center regarding mental health issues on August 10th, attended the Chamber of Commerce Dinner on August 12th, and the League of California Cities meeting in Avila Beach on August 14th.

CLOSED SESSION

The City Council recessed to a Closed Session at 8:30 p.m. to discuss Conference with Legal Counsel - regarding Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9 for Orcutt Citizens for Better Environment v. City of Santa Maria, Case No. 1314150; Norma Santana, Janice Bair v. City of Santa Maria, Case No. 1272651, and Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code - Agency Representative: Assistant City Manager; Employee Organizations: Santa Maria Police Officers Association (SMPOA); Service Employees International Union (SEIU), Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees

Following the Closed Session, the following report was given:

Conference with Legal Counsel – Orcutt Citizens for Better Environment v. City of Santa Maria - Direction from Council was given.

Conference with Legal Counsel – Norma Santana, Janice Bair v. City of Santa Maria – Direction from Council was given.

Conference with Labor Negotiators – SMPOA, SEIU, Fire Fighters Local 2020, Public Safety Managers, and Non-represented Management and Confidential Employees Group – Direction from Council was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 9:36 p.m. in honor of Lompoc Mayor Dick DeWees.

APPROVED
September 1, 2009
Date

Patricia Perez
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST:
Patricia Perez
Chief Deputy City Clerk

Larry Lavagnino
Mayor of the City of Santa Maria